

## **REMARKS**

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. Claims 1-5 are currently pending in the application and stand rejected.

### **Rejection Under 35 U.S.C. §102**

Claims 1-5 stand rejected under 35 U.S.C. §102(e) as being anticipated by Abdel-Maguid, as set forth in paragraphs 2-3 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

As shown in Fig. 9, the delay stage of the DCO according to Abdel-Maguid shows a first tapped delay stage having 64 taps. This reference discloses a delay stage having only a single common selector for the outputs of the 64 taps. In other words, there is one single common selector for the entire delay stage. In contrast, in applicant's claimed invention, each single delay element of a delay stage, for both the coarse delay element and the fine delay element, has its own corresponding actuatable selector. In applicant's invention, each single delay element has an own selector, meaning that in the case of 64 delay elements in a delay stage, there are 64 selectors.

Abdel-Maguid clearly fails to teach or suggest that each tap has its own actuatable selector. Rather, the cited reference teaches away from the claimed invention, as it discloses providing one single common selector for all delay elements of a delay stage. It is important to note that each of the outputs of the taps of a tapped delay stage shown in the reference must be connected to a corresponding input of the selector (multiplexer). The individual delay stages normally contain a number of taps (delay elements) that is significantly larger than 64. Such taps (delay elements) are not always all used but nonetheless need to be connected to the inputs of the multiplexer. This is the

case because, depending on the application, it is not known how many of the delay elements will actually be needed for a particular application. Assuming that no relevant propagation time difference arises in real time applications, other than those caused by the taps (delay elements), the difficulties in implementing the delay stage of Abdel-Maguid in silicon become immediately clear because each of the taps must be connected to the input of the multiplexer through its own signal path of equal length to avoid propagation time differences. It is evident that this is extremely difficult, if not impossible, to implement in silicon, even for 64 taps, and in many applications the number of taps is usually significantly greater than 64.

In addition, the delay stage of Abdel-Maguid always provides at the output of each tap a signal which is delayed corresponding to the respective tap, so that in the case of 64 different taps, 64 differently delayed signals are provided at the outputs of the 64 taps at the same time, again disregarding that the number of taps is usually significantly larger than 64.

In sharp contrast, the delay stage of applicant's claimed DCO only provides one signal at its output, which is delayed corresponding to that delay element that has been selected, and does not provide any additional signals at the output of the delay stage.

In summary, Abdel-Maguid does not disclose a device where for each and every coarse and fine delay element, a corresponding dedicated actuatable selector is included. Such an element is completely missing in Abdel-Maguid where there is only one common selector for the entire delay stage. Because at least one significant element of applicant's claimed invention is missing from the device in Abdel-Maguid, Abdel-Maguid cannot anticipate applicant's claimed invention. Accordingly, applicant asserts that claim 1 is allowable over Abdel-Maguid and that claims 2-4 depending from claim 1 are allowable as depending from an allowable base claim.

Applicants respectfully note that anticipation focuses on whether a claim reads on the product or process that a prior art reference discloses, not on what the reference broadly “teaches.” Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). As the Examiner is aware, each and every element of a claim must be shown in the “four corners” of the reference. “To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.” PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

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